

## Message Text

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PAGE 01 MONTEV 02778 01 OF 04 262220Z

15

ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 OMB-01 TRSE-00 /065 W

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FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC PRIORITY 1797

LIMITED OFFICIAL USE SECTION 1 OF 4 MONTEVIDEO 2778

E.O. 11652: N/A

TAGS: SHUM, UY

SUBJ: CONGRESSIONAL HEARINGS ON HUMAN RIGHTS IN URUGUAY

REF: STATE 181279

1. PREVIOUS REPORTING FROM THIS EMBASSY PROBABLY IS SUFFICIENT TO ENABLE THE DEPARTMENT TO RESPOND FULLY TO THE FRASER SUB-COMMITTEE. NEVERTHELESS, GIVEN THE IMPORTANCE OF THE CONGRESSIONAL HEARINGS ON HUMAN RIGHTS IN URUGUAY, WE PROVIDE THE FOLLOWING IN RESPONSE TO THE REFTEL IN ORDER THAT THE DEPARTMENT WILL HAVE THE LATEST INFORMATION AVAILABLE TO US.

2. THE REFTEL SEEKS THE NUMBER OF POLITICAL PRISONERS AND DEFINES THEM AS "PERSONS WHO HAVE BEEN DETAINED, ARRESTED, OR PUNISHED FOR THEIR BELIEFS OR OPINIONS, BUT WHO HAVE NEITHER USED NOR ADVOCATED VIOLENCE". WITHIN THOSE TERMS OF REFERENCE, THERE MAY BE A FEW DOZEN POLITICAL PRISONERS IN URUGUAY AT THIS TIME. MOST OF THESE ARE THE PERENNIAL WALL PAINTERS AND LEAFLET DISTRIBUTORS PICKED UP AND HELD FOR SHORT PERIODS. WE SAY THIS BECAUSE THE VAST MAJORITY OF PRISONERS (EXCLUDING COMMON CRIMINALS) HAVE BEEN INVOLVED IN SUBVERSIVE ORGANIZATIONS USING OR ADVOCATING VIOLENCE, SUCH AS THE MLN-TUPAMAROS, THE OPR 33, THE ROE,

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PAGE 02 MONTEV 02778 01 OF 04 262220Z

AND OTHER TERRORIST ORGANIZATIONS TO WHICH NO ONE COULD BE-

LONG OR BE ASSOCIATED WITHOUT HAVING AMPLE KNOWLEDGE OF THE VIOLENT METHODS ADVOCATED AND PRACTICED BY THESE ORGANIZATIONS. ALTHOUGH ARGUABLE, IN THE CONTEXT OF THE DEPARTMENT'S TERMINOLOGY, THE TERM POLITICAL PRISONER PROBABLY COULD NOT EVEN BE APPLIED TO ALL OF THE 300 OR 400 COMMUNIST PARTY (PCU) MEMBERS ARRESTED IN LATE 1975 AND EARLY 1976 BECAUSE MANY OF THEM WERE PERSONS WHO FORMED PART OF THE ARMED, MILITARY APPARATUS OF THE PARTY. THE REFTTEL SPOKE EXCLUSIVELY OF POLITICAL PRISONERS AND OUR CONTINUING ON THAT BASIS, AND WITHIN THE DEPARTMENT'S DEFINITION, WOULD NOT BE HELPFUL IN TERMS OF WHAT HAS BEEN OUTLINED ABOVE. CONSEQUENTLY, ALL THE FOLLOWING COMMENTS ARE ADDRESSED TO PRISONERS OTHER THAN COMMON CRIMINALS--THE OVERWHELMING MAJORITY WHO ARE TERRORISTS AND OTHERS WHO HAVE ADVOCATED OR USED VIOLENCE. WE WILL TERM THEM AS SUBVERSIVES BECAUSE THEY ARE INCARCERATED UNDER PROVISIONS OF LAW PERTAINING TO SUBVERSION, AND IT IS OUR BELIEF THAT THE DEPARTMENT'S AND THE CONGRESS' INTEREST IS FOCUSED ON THEM, WHATEVER THEY ARE TERMED.

3. RELIABLE INFORMATION FROM SEVERAL SOURCES IN A POSITION TO KNOW INDICATES THAT BETWEEN 1800-2000 SUBVERSIVES ARE NOW IMPRISONED. ACCORDING TO DIPLOMATS WHO RECENTLY VISITED PRISONS, LA LIBERTAD, THE DETENTION CENTER FOR MALE SUBVERSIVES, HAD IN JUNE A PRISON POPULATION OF 1325. AT THE SAME TIME PUNTA DE RIELES, THE DETENTION CENTER FOR FEMALE SUBVERSIVES, HAD A PRISON POPULATION OF 198. THE OTHER 300-500 PRISONERS ARE SCATTERED IN OTHER SMALL DETENTION CENTERS, OR UNDER THE CONTROL OF MILITARY UNITS. AS STATED IN MVD-2677, SOME 200 OF THE TOTAL ARE "AT THE DISPOSITION OF THE EXECUTIVE", APPARENTLY THE MOST DANGEROUS. NO FIGURES HAVE BEEN PUBLISHED AND THE EMBASSY CANNOT DETERMINE HOW MANY OF THE PRISONERS HAVE BEEN TRIED OR CONVICTED OR WHAT SENTENCES HAVE BEEN METED OUT. HOWEVER, WE DO KNOW THAT 290 OF THOSE IN LA LIBERTAD HAVE BEEN SENTENCED AND OF THOSE IN PUNTA DE RIELES, 40. WE HAVE REPORTED OVER THE YEARS THAT SUBVERSIVES ARE ARRESTED, CONVICTED, SERVE THEIR TIME AND ARE RELEASED. A SENIOR OFFICIAL (SEE MVD-2677) PUT THIS NUMBER AT 500.

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PAGE 03 MONTEV 02778 01 OF 04 262220Z

4. THERE IS NO DISCERNIBLE PATTERN AS TO THE LENGTH OF TIME SUBVERSIVES ARE DETAINED WITHOUT BEING CHARGED AND TRIED. PERSONS HAVE BEEN ARRESTED AND DETAINED FOR VARYING PERIODS OF TIME UNDER CURRENT URUGUAYAN LAW, WHICH GIVES THE MILITARY WIDE LATITUDE IN ARRESTING THOSE SUSPECTED OF TERRORISM, SUBVERSION OR OTHER CRIMES AGAINST THE NATION. SUCH ARRESTS USUALLY ARE PART OF WELL-PLANNED OPERATIONS FOR A SPECIFIC OBJECTIVES SUCH AS THE OPERATIONS AGAINST

THE PCU MILITARY APPARATUS. OTHER THAN THESE CATEGORIES, THE AVERAGE URUGUAYAN CONTINUES TO ENJOY THE SAME JUDICIAL RIGHTS AND GUARANTEES HE ALWAYS HAD.

5. WITH RESPECT TO ACCESS TO LAWYERS, ARTICLE 16 OF THE URUGUAYAN CONSTITUTION PROVIDES FOR THE PROMPT PRE-TRIAL INVESTIGATION AND ARRAIGNMENT OF A SUSPECT IN THE PRESENCE OF HIS ATTORNEY IN ORDINARY CIVIL AND CRIMINAL LITIGATION. THIS IS NOT FOLLOWED WITH RESPECT TO THOSE PERSONS ACCUSED OF TERRORISM, SUBVERSION OR OTHER CRIMES AGAINST THE NATION BECAUSE THE MILITARY COURT SYSTEM HAS TAKEN OVER THE PRE-TRIAL INVESTIGATION, ARRAIGNMENT, TRIAL AND POSSIBLE SENTENCING OF SUCH PERSONS (SEE EMBASSY'S A-44 FOR DETAILS).

6. THERE IS A PROBLEM OF ACCESS OF SUCH PERSONS TO A LAWYER DURING THE STAGE OF PRE-TRIAL INVESTIGATION. SUCH PERSONS ARE OFTEN HELD INCOMMUNICADO FOR LONG PERIODS OF TIME. AT THE OTHER STAGES OF THE JUDICIAL PROCESS, THE PROBLEM IS NOT SO MUCH ONE OF ACCESS AS THE FACT THAT THE ROLE OF LAWYERS IN DEFENDING SUCH PERSONS HAS BEEN CIRCUMSCRIBED BY THE TURNING OVER OF THESE STAGES TO A MILITARY COURT SYSTEM MANNED BY MILITARY JUDGES NOT TRAINED IN THE LAW AND REPORTEDLY OFTEN HOSTILE TO CIVILIAN LAWYERS (SEE A-44 FOR DETAILS). DESPITE OUR REPRESENTATIONS, THIS ASPECT OF URUGUAYAN PRACTICE IS UNLIKELY TO BE CHANGED. AS LATE AS JULY 19, A HIGH URUGUAYAN OFFICIAL TOLD AMBASSADORS RYAN AND SIRACUSA THAT THE APPLICATION OF NORMAL JUDICIAL PROCEDURES TO SUBVERSIVES COULD NOT BE EXPECTED IN THE PRESENT SITUATION IN URUGUAY. REITERATING THE GOU VIEW THAT THE TUPAMARO AND COMMUNIST MOVEMENTS ARE INTERNATIONALLY FUNDED, STAFFED AND DIRECTED, HE STATED THAT MOST MEMBERS OF THESE GROUPS TRAINED AS TERRORISTS COULD NOT AND WOULD BE TREATED UNDER THE NORMAL JUDICIAL PROCEDURES LIMITED OFFICIAL USE

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PAGE 04 MONTEV 02778 01 OF 04 262220Z

AND ALLOWED TO RETURN TO THEIR TERRORIST ORGANIZATIONS AND ACTIVITIES.

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PAGE 01 MONTEV 02778 02 OF 04 262248Z

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 OMB-01 TRSE-00 /065 W

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P 262125Z JUL 76

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC PRIORITY 1798

LIMITED OFFICIAL USE SECTION 2 OF 4 MONTEVIDEO 2778

7. WE NEITHER HAVE, NOR CAN OBTAIN, ACCURATE INFORMATION REGARDING THE LENGTH OF PRE-TRIAL DETENTIONS, TRIALS, SENTENCING OR THE EXTENT OF MISTREATMENT AND OTHER ABUSES. ONE EMBOFF HAS HAD THE OPPORTUNITY TO OBSERVE QUITE CLOSELY THE CASE OF ONE SUBVERSIVE WHOSE EXPERIENCES PROBABLY ARE NOT UNIQUE. THAT PERSON WAS ARRESTED EARLY ONE MORNING AT HIS HOME. HE WAS ALLOWED TO DRESS, BUT NOT TO TAKE ANYTHING WITH HIM. THE WIFE'S FIRST NEWS OF HIM CAME TWO MONTHS LATER WHEN SHE WAS PERMITTED TO TAKE CLOTHES, BEDDING AND TOILET ARTICLES TO A MILITARY BARRACKS FOR HIM. SHE WAS ABLE TO CONTINUE LEAVING THINGS FOR HIM WEEKLY THEREAFTER. AFTER THREE MONTHS THE PRESS PUBLISHED A MILITARY COMMUNIQUE WHICH SAID HER HUSBAND HAD BEEN TEACHING A COMBAT-RELATED COURSE TO THE MILITARY APPARATUS OF THE COMMUNIST PARTY. SHORTLY THEREAFTER SHE WAS GIVEN A NOTE WRITTEN BY HIM. AFTER ALMOST FOUR MONTHS SHE, THEIR CHILDREN AND HIS LAWYER RECEIVED VISITATION PRIVILEGES, WHICH CONTINUE. THE PRISONER HAD BEEN SENTENCED BY A MILITARY JUDGE FOR FROM EIGHT TO SIXTEEN YEARS FOR SUBVERSION. HIS LAWYER ENTERED THE CASE AFTER SENTENCE HAD BEEN PASSED. THE SENTENCE SUBSEQUENTLY WAS REDUCTED TO FROM TWO TO SIX YEARS. THE PRISONER WAS HOODED FREQUENTLY DURING THE FIRST THREE MONTHS OF DETENTION, COMPLAINED TO HIS WIFE OF "VERY HARD" INTERROGATION AT FIRST, AND LOST A SUBSTANTIAL LIMITED OFFICIAL USE

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PAGE 02 MONTEV 02778 02 OF 04 262248Z

AMOUNT OF WEIGHT. AFTER THE FIRST MONTHS, INTERROGATION HAS BECOME RARE. THE PRISONER SLEEPS ON BEDDING ON THE FLOOR OF AN UNHEATED GARAGE, HAS MEAGER MEALS, CANNOT RECEIVE READING MATERIAL, ENJOYS NO OUTDOOR EXERCISE AND BATHES ONLY WEEKLY AND THEN IN COLD WATER. THIS IS ONE CASE WHICH MIGHT GIVE A FEEL FOR WAHT HAPPENS TO SOME SUBVERSIVES INITIALLY. MOST OF THOSE HELD OVER A LONG PERIOD

ARE TRANSFERRED TO LA LIBERTAD IF MALES AND TO PUNTA DE RIELES IF FEMALES. CONDITIONS THERE ARE REPORTED TO BE SUBSTANTIALLY BETTER.

8. WE KNOW OF ONE INCIDENT OF THE ARBITRARY TAKING OF LIFE. IN DECEMBER 1974 FIVE YOUNG URUGUAYANS WERE SHOT TO DEATH IN THE COUNTRYSIDE, IN A CLEAR ACT OF REPRISAL FOR THE ASSASSINATION OF THE URUGUAYAN ARMY ATTACHE IN PARIS A DAY OR TWO BEFORE. IT IS GENERALLY BELIEVED THAT INFURIATED MILITARY PERSONNEL WERE RESPONSIBLE. WHILE THE FACTS WERE TERSELY REPORTED IN THE PRESS, WE LEARNED THAT PRIVATELY SENIOR CIVILIAN AND MILITARY OFFICERS REACTED STRONGLY IN CONDEMNATION OF THAT ACT, INCLUDING WARNING OF COURT MARTIAL ACTION FOR ANY REPETITION. THERE HAS BEEN NO RECURRENCE. ABOUT A DOZEN OTHER PERSONS (SEE MONTEVIDEO 750) FOR DETAIL) HAVE DIED WHILE UNDER DETENTION IN THE PAST THREE YEARS. WE BELIEVE THAT ABOUT HALF OF THESE PEOPLE PROBABLY DIED AS A RESULT OF TORTURE, APPLIED WITH INTENT TO EXTRACT INFORMATION, BUT NONETHELESS CAUSED THE DEATHS. WE HAVE NO INFORMATION TO RENDER A FIRM JUDGMENT ON THE OTHERS. AS REPORTED IN MONTEVIDEO

2677 AND PREVIOUS, SENIOR GOU OFFICIALS CONSISTENTLY HAVE CONDEMNED SUCH ACTS, DECLARED THEM TO BE CONTRARY TO GOVERNMENT POLICY, AND SAID THAT PERSONS RESPONSIBLE FOR EXCESSES IN THE PAST HAD BEEN RELIEVED. WE KNOW ONLY OF THREE SPECIFIC INSTANCES IN WHICH THIS HAS OCCURRED. A SENIOR NAVAL OFFICER WAS TRANSFERRED TO A SECONDARY POST AND TWO ARMY OFFICERS DISMISSED FOR ABUSING PEOPLE. AUTHORITIES TELL US THAT THEY WILL NOT MAKE PUBLIC THE NAMES OF THOSE PUNISHED FOR HAVING ABUSED PRISONERS, FOR EXAMPLE, BECAUSE IT WOULD MAKE THEM TARGETS FOR RETALIATION. HIGHEST GOVERNMENT OFFICIALS APPEAR TO BE SINCERE WHEN THEY VOICE THEIR CONCERN FOR THE BASIC HUMAN RIGHTS OF THEIR CITIZENS, DECLARE VIOLATIONS TO BE CONTRARY TO GOU LIMITED OFFICIAL USE

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PAGE 03 MONTEV 02778 02 OF 04 262248Z

POLICY AND STATE THAT VIOLATORS ARE PUNISHED. AT THE SAME TIME, THERE IS LITTLE EVIDENCE OF VIGOROUS STEPS WHICH DEEPLY-FELT INDIGNATION WOULD BRING FORTH. MISTREATMENT--WHETHER PHYSICAL OR PSYCHOLOGICAL--HAS THEREFORE BEEN WIDESPREAD AND THE NATIONAL LEADERS HAVE

BEEN EITHER UNWILLING OR UNABLE TO STOP IT.

9. JUDGED BY OUR OWN CRITERIA, DUE PROCESS PROCEDURES ARE NOT FOLLOWED IN ARREST, DETENTION AND TRIAL OF SUBVERSIVES. HOWEVER, THE GOU IS ACTING BASICALLY WITHIN ITS OWN LEGAL STRUCTURE, MUCH AS WE WOULD ACT DURING A PERIOD OF MARTIAL LAW, OR ONE DURING WHICH HABEAS CORPUS WERE SUSPENDED, AS DURING THE U.S. CIVIL WAR. ON JULY 10, 1972, THE

URUGUAYAN CONGRESS PASSED THE "LAW OF STATE SECURITY AND INTERNAL ORDER" (14.068), BY WHICH THE HANDLING OF THE PRE-TRIAL INVESTIGATION AND ARRAIGNMENT OF PERSONS ACCUSED OF TERRORISM, SUBVERSION, AND OTHER "CRIMES AGAINST THE NATION" WAS TAKEN AWAY FROM THE ORDINARY CIVILIAN JUDGES AND HANDED OVER TO MILITARY JUDGES. THESE ARE NOT BY AND LARGE TRAINED LAWYERS AND, ACCODING TO ONE SOURCE, HAVE ABDICATED WHAT RESPONSIBILITIES THEY HAVE TO THE POLICE AND MILITARY UNITS CHARGED WITH THE INVESTIGATION OF "CRIMES AGAINST THE NATION". THIS LAW ALSO CIRCUMSCRIBED THE POSSIBLE ROLE OF LAWYERS IN DEFENDING THE RIGHTS OF SUCH PERSONS ACCUSED OF TERRORISM, SUBVERSION, AND OTHER CRIMES AGAINST THE NATION". (SEE A-44) FOR THOSE ORDINARY URUGUAYANS UNLAWFULLY DETAINED, ARTICLE 17 PROVIDES FOR A WRIT OF "HABEAS CORPUS". THIS HAS BEEN SUSPENDED BY THE GOU FOR THOSE PERSONS ACCUSED OF "TERRORISM, SUBVERSION, OR OTHER CRIMES AGAINST THE NATION". (SEE A--19, ENCLOSURE 2) INASMUCH AS WILSON FERREIRA ALDUNATE PLAYED A PROMINENT ROLE IN THE LATEST CONGRESSIONAL HEARING, IT IS WORTH NOTING HERE THAT THE ABOVE LAW, CRITICIZED BY FERREIRA IN WASHINGTON, WAS PASSED WITH HIS SUPPORT, THE SUPPORT OF HIS PARTY AND THE SUPPORT OF THE COLORADO PARTY. ONLY THE LEFT, REPRESENTING 18 PERCENT OF THE ELECTORATE IN THE 1971 ELECTIONS, OPPOSED THE SECURITY LAW.

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PAGE 01 MONTEV 02778 03 OF 04 262302Z

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 OMB-01 TRSE-00 /065 W

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P 262125Z JUL 76

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC PRIORITY 1799

LIMITED OFFICIAL USE SECTION 3 OF 4 MONTEVIDEO 2778

10. THOSE PERSONS SUSPECTED OF TERRORISM, SUBVERSION, OR

OTHER "CRIMES AGAINST THE NATION", ARE NOW SUBJECT ALSO TO THE MEDIDAS PRONTAS DE SEGURIDAD (SEE EMBASSY'S A-19, ENCLOSURE 1) WHICH IN EFFECT SUSPENDED ARTICLE 15 OF THE URUGUAYAN CONSTITUTION (SEE A-19, ENCLOSURE 6), WHICH PRO-

TECTS A CITIZEN AGAINST ARBITRARY ARREST. BY LAW 14.493 OF DECEMBER 29, 1975, THE GOU TURNED OVER THE TRIAL AND POSSIBLE SENTENCING OF SUCH PERSONS FROM THE ORDINARY COURTS TO THE MILITARY COURTS. THIS HAS FURTHER CIRCUMSCRIBED THE POSSIBLE ROLE OF LAWYERS IN DEFENDING THE RIGHTS OF SUCH PERSONS TO THE EXTENT THAT THERE ARE PRELIMINARY INDICATIONS THAT THE ROLE OF DEFENSE LAWYERS HAS BEEN REDUCED TO A "DECORATIVE" ONE. (SEE A-44) THUS, THE SITUATION TODAY IS ONE IN WHICH ARTICLE 12 OF THE URUGUAYAN CONSTITUTION, WHICH STATES THAT "NO ONE MAY BE PUNISHED OR IMPRISONED WITHOUT DUE PROCESS OF LAW AND A LEGAL SENTENCE", HAS IN EFFECT BEEN SET ASIDE FOR THOSE PERSONS ACCUSED OF "TERRORISM, SUBVERSION, OR OTHER CRIMES AGAINST THE NATION".

11. WITH RESPECT TO FREEDOM OF OPINION AND EXPRESSION (ARTICLE 29 OF THE CONSTITUTION), THE GOU DOES NOT CONTEND THAT THERE IS--NOR IS THERE--UNLIMITED FREEDOM OF OPINION AND EXPRESSION. DIRECT MEDIA CRITICISM OF THE GOU IS ALMOST NON-EXISTENT AND EXPRESSION OF MARXIST AND LIMITED OFFICIAL USE

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PAGE 02 MONTEV 02778 03 OF 04 262302Z

EXTREMIST PHILOSOPHIES IS NOT TOLERATED. SOMEWHAT VEILED CRITICISM OF GOVERNMENT PROGRAMS AND POLICIES DOES, HOWEVER, APPEAR FROM TIME TO TIME IN EDITORIALS OR OTHER ARTICLES IN THE PRESS. THE GOVERNMENT CONTENDS THAT THESE MEASURES ARE NECESSARY FOR NATIONAL SECURITY REASONS FOLLOWING A PERIOD OF POLITICAL AND ECONOMIC DETERIORATION. THE GOU, THROUGH THE MEDIDAS PRONTAS DE SEGURIDAD, HAS, AS IN THE PREVIOUS DECREES WITH RESPECT TO ARTICLE 29, PROHIBITED (EXCEPT FOR OFFICIAL) NEWS RELEASES OR COMMENTARY CONCERNING PERSONS "CONSPIRING" AGAINST THE NATION. ALSO PROHIBITED, EXCEPT FOR OFFICIAL NEWS RELEASES, IS DISSEMINATION OF OR COMMENTARY ON GOU ANTI-SUBVERSIVE OPERATIONS. (FOR DETAIL SEE 73 MONTEVIDEO A-177, 75 MONTEVIDEO 3470 AND MONTEVIDEO 490). SO FAR, FOREIGN CORRESPONDENTS HAVE NOT BEEN INTERFERED WITH IN FILING CRITICAL STORIES FROM URUGUAY, WHICH ARE SUBJECT ONLY TO EX POST FACTO REVIEW. RECENTLY, HOWEVER, ONE WIRE SERVICE REPRESENTATIVE TOLD US THAT HE FEARED GREATER PRESSURE MIGHT BE APPLIED.

12. MORE AUTHORITATIVE AND EXHAUSTIVE THAN ANYTHING A FOREIGN EMBASSY COULD DO WITH RESPECT TO THE TRADE UNION SITUATION IN URUGUAY WAS AN IN-DEPTH INTERNATIONAL LABOR ORGANIZATION (ILO) STUDY MADE IN 1975. THE ILO REPORT, GB. 198/1113, 198TH SESSION, GENEVA, 1975 "ONE HUNDRED

AND FIFTY-THIRD REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION" CONCLUDED IN PART, "THE PRESENT TRADE UNION POSITION HAS ITS ROOTS IN THE EXTREMELY COMPLEX, ECONOMIC AND SOCIAL CRISIS EXPERIENCED BY URUGUAY IN THE YEARS LEADING TO THE EVENTS OF 1973. BY DISSOLVING PARLIAMENT, THE GOVERNMENT PARALYZED ALL POLITICAL ACTIVITY IN THE COUNTRY. THE DISSOLUTION OF THE NATIONAL WORKERS' CONVENTION, GROUPING MOST OF THE TRADE UNIONIZED WORKERS, WHICH HAD ADOPTED A POSITION UNFAVORABLE TO THE GOVERNMENT, SEEMS TO HAVE HAD AS ITS MAIN OBJECTIVE THE ELIMINATION OF ORGANIZED AND ACTIVE OPPOSITION TO ITS POLICY, ESPECIALLY IN THE ECONOMIC FIELD. WHILST THE GOVERNMENT CONSIDERS IT ESSENTIAL THAT THE UNIONS SHALL NOT ENGAGE IN POLITICS, ON THE OTHER HAND IT SEEMS TO CONSIDER THAT THE DIFFICULT ECONOMIC SITUATION STILL DOES NOT PERMIT THE FULL DEVELOPMENT OF TRADE UNION ORGANIZATIONS AND ACTIVITIES. CONSEQUENTLY, IT HAS ADOPTED RESTRICTIVE LEGISLATION AND PRACTICES WHICH LIMITED OFFICIAL USE

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PAGE 03 MONTEV 02778 03 OF 04 262302Z

AFFECT TRADE UNION RIGHTS AND RESULT IN MANY CASES IN THE ADOPTION OF VERY SEVERE ACTION AGAINST TRADE UNION MILITANTS, LEADERS OR ORGANIZATIONS. NEVERTHELESS, IT APPEARS PROBABLY THAT SOME TRADE UNIONISTS HAVE INDULGED, OR ARE INDULGING AT THE SAME TIME, IN POLITICAL ACTIVITIES OF A TYPE WHICH ARE AT PRESENT FORBIDDEN, OR WHICH ARE UNRELATED TO TRADE UNION ACTIVITIES OR EXTEND BEYOND THE SCOPE OF NORMAL TRADE UNION ACTIVITIES".

13. THE RESTRICTIVE PRACTICES MENTIONED IN THE ILO REPORT ARE ALMOST ENTIRELY DIRECTED AT THOSE ORGANIZATIONS FORMERLY ASSOCIATED WITH THE DISSOLVED NATIONAL WORKERS' CONVENTION (CNT), AN ORGANIZATION WHICH WAS UNDER CONTROL OF THE NOW BANNED COMMUNIST PARTY OF URUGUAY. MANY INDEPENDENT UNIONS AND THOSE AFFILIATED WITH THE NON-COMMUNIST GENERAL CONFEDERATION OF URUGUAYAN WORKERS (CGTU) CONTINUE TO FUNCTION. THE CGTU AND ITS AFFILIATED UNIONS ELECT OFFICERS, HOLD MEETINGS AND BARGAIN WITH MANAGEMENT. THIS IS NOT TO DENY THAT RESTRICTIONS ON THESE UNIONS DO NOT EXIST. THE FALL-OUT FROM THE GOU EFFORT TO CONTROL THE POLITICAL ACTIVITIES OF THE COMMUNIST UNIONS ALSO AFFECTS THE NON-COMMUNISTS. AS THE ABOVE-MENTIONED ILO REPORT CORRECTLY POINTS OUT, "...THE RETURN TO A NORMAL TRADE UNION SITUATION WILL BE COMPLETED ONLY IF THERE ARE GUARANTEES FOR THE CIVIL LIBERTIES WHICH ARE ESSENTIAL FOR THE NORMAL EXERCISE OF TRADE UNION RIGHTS." (SEE EMBASSY'S A-41).

14. URUGUAYAN TRADE UNIONISTS CONTINUE TO ENJOY CLOSE CONTACTS WITH THEIR FELLOW UNIONISTS IN OTHER COUNTRIES. A U.S. TRADE UNION REPRESENTATIVE UNDER THE DIRECTION OF THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT (AFLBICIO)



IS WORKING IN URUGUAY TO HELP URUGUAYAN NON-COMMUNIST  
TRADE UNIONISTS STRENGTHEN THEIR MOVEMENT  
& HIGH AFL-CIO  
OFFICIALS RECENTLY VISITED URUGUAY UNDER OPERATION SOLI-  
DARITY AND URUGUAYAN TRADE UNIONISTS REGULARLY VISIT THE  
UNITED STATES AND OTHER COUNTRIES. THE CGTU IS AFFILIATED  
WITH HEMISPHERIC (ORIT) AND WORLDWIDE (ICFTU) LABOR ORGANI-  
ZATIONS. CGTU OFFICIALS HAVE REPRESENTED URUGUAYAN WORKERS  
AT THE LAST THREE ILO ANNUAL CONFERENCES.

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PAGE 01 MONTEV 02778 04 OF 04 262313Z

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 OMB-01 TRSE-00 /065 W  
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P 262125Z JUL 76  
FM AMEMBASSY MONTEVIDEO  
TO SECSTATE WASHDC PRIORITY 1800

LIMITED OFFICIAL USE SECTION 4 OF 4 MONTEVIDEO 2778

15. FREEDOM OF PEACEFUL ASSEMBLY IS LIMITED ONLY IN THE  
SENSE THAT POLITICAL MEETINGS CANNOT BE HELD. ON DECEMBER  
1, 1973, THE GOU DISSOLVED THE COMMUNIST PARTY OF URUGUAY,  
THE SOCIALIST PARTY, AND TWELVE OTHER MARXIST POLITICAL  
GROUPS AND STUDENT ASSOCIATIONS (SEE 73 MONTEVIDEO A-177).  
THE DISSOLUTION DECREE AUTHORIZED THE CONFISCATION OF  
THESE ORGANIZATIONS' GOODS AND THE CLOSING OF THEIR PLACES  
OF BUSINESS. OTHER MAJOR POLITICAL PARTY HEADQUARTERS  
REMAIN OPEN AND ELECTED OFFICERS OF THE PARTIES NOT ONLY  
REMAIN COMPLETELY AT LIBERTY, BUT ALSO IN MANY CASES, HOLD  
GOVERNMENT POSITIONS.

16. IN DECEMBER 1973 THE AMBASSADOR, ON HIS OWN, FIRST  
RAISED THE HUMAN RIGHTS QUESTION WITH THE PRESIDENT. SINCE  
THAT TIME THE AMBASSADOR, AND OTHER SENIOR OFFICERS OF  
THIS MISSION, HAVE EXPRESSED REPEATEDLY U.S. CONCERN OVER  
HUMAN RIGHTS VIOLATIONS WITH THE PRESIDENT, CABINET,

MINISTERS, MEMBERS OF THE COUNCIL OF STATE, OTHER KEY GOVERNMENT FIGURES, THE MILITARY COMMANDERS IN CHIEF, OTHER FLAG AND GENERAL RANK OFFICERS, AND LOWER RANKING MILITARY PERSONNEL. THE LATEST CONVERSATIONS WITH THE FOREIGN MINISTER WERE REPORTED IN MVD-2677 AND MVD-2264. THE LATEST SUCH CONVERSATIONS WITH THE ARMY AND NAVY CINCS WERE REPORTED IN MVD-2481. THE RESPONSE OF THE MOST SENIOR URUGUAYAN AUTHORITIES, BOTH CIVILIAN AND MILITARY, HAS LIMITED OFFICIAL USE

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PAGE 02 MONTEV 02778 04 OF 04 262313Z

BEEN UNIFORM FOR AT LEAST THE LAST THREE YEARS. THEY CLAIM THAT CERTAIN VIOLATIONS, SUCH AS RELATIVELY LONG DETENTION PRIOR TO FORMAL TRIALS, ARE NECESSARY GIVEN THE SECURITY SITUATION WITH WHICH THE NATION IS CONFRONTED. THEY ALSO, HOWEVER, HAVE BEEN UNANIMOUS IN CONDEMNING TORTURE AND OTHER PHYSICAL ABUSE AND STATING CATEGORICALLY THAT ANY SUCH TREATMENT IS CONTRARY TO GOVERNMENT POLICY. AT SLIGHTLY LOWER LEVELS, THERE HAS BEEN A CHANGE IN RESPONSE TO OUR REPRESENTATIONS OVER THE LAST THREE YEARS. TWO OR THREE YEARS AGO THE MORE JUNIOR PEOPLE (SOME OF THEM) SAID THAT THEY HAD TO EMPLOY HARSH METHODS IN ORDER TO OBTAIN INFORMATION NEEDED TO BREAK THE INFRASTRUCTURE OF THE TERRORIST ORGANIZATIONS WITH WHICH THEY WERE DEALING. IN THE LAST YEAR OR SO, EVEN THESE PEOPLE HAVE ASSUMED THE SAME BASIC POSITION AS THEIR SUPERIORS, SAYING THAT THEY NO LONGER NEED TO MISTREAT PEOPLE BECAUSE THEY NOW HAVE BETTER INTELLIGENCE AND THE TERRORISTS NO LONGER CAN ACT WITH IMPUNITY BY FRIGHTENING THE CITIZENRY INTO SILENCE OR THREATENING TO KILL JUDGES WHO DO NOT IMMEDIATELY RELEASE THEM AS BEFORE. BASICALLY, THEY ARGUE, THE SITUATION A FEW YEARS AGO FOUND THE TERRORISTS ON THE OFFENSIVE AND THE GOVERNMENT DEFENDING ITSELF. THEY NOW SAY THE SITUATION IS REVERSED.

17. WHILE THE ABOVE ACCURATELY DESCRIBES THE SITUATION IN URUGUAY AS WE KNOW IT, RECENT DEVELOPMENTS SHOW FAR MORE ACTIVELY COLLABORATION THAN IN THE PAST AMONG SOUTHERN CONE NATIONS IN THEIR CAMPAIGNS OF DEFENSE AGAINST TERRORISM AND SUBVERSION. THIS FIRST APPEARED AS COOPERATION TO EXCHANGE INFORMATION BETWEEN ARGENTINA AND URUGUAYAN FORCES, A COOPERATION NOW EXPANDED, APPARENTLY, TO INCLUDE OTHER SOUTHERN CONE NATIONS AS WELL. THERE HAVE ALSO BEEN REPORTS OF JOINT OPERATIONS, SUCH AS THE REPORTED PARTICIPATION OF CHILEANS AND AT LEAST ONE URUGUAYAN IN THE KIDNAPPING, BEATING, AND LATER RELEASE OF REFUGEES IN BUENOS AIRES. WHILE THE GOASFAS DENIED COMPLICITY IN SUCH ACTIVITIES, WHICH ARE ATTRIBUTED LOOSELY TO "RIGHT WING TERRORISTS", THE EVIDENCE SEEMS STRONGLY TO SUGGEST (AS REPORTED BY EMBASSY BUENOS AIRES) THAT THE OPERATIONS ARE, IF NOT POLICY OR MILITARY, AT LEAST,

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PAGE 03 MONTEV 02778 04 OF 04 262313Z

PARA-POLICE OR PAR

A-MILITARY. THE DEGREE TO WHICH URUGUAYAN REPRESENTATIVES ARE INVOLVED THERE IN SUCH OPERATIONS, AS DISTINCT FROM EXCHANGE OF INFORMATION, IS NOT CLEAR, OR IF INVOLVED, ON WHOSE AUTHORITY AND AT WHAT LEVELS IN THE GOA. AN URUGUAYAN, HOWEVER, WAS CHARGED WITH PARTICIPATION IN ABUSIVE INTERROGATION OF A URUGUAYAN REFUGEE, WHO WAS PICKED UP AND LATER RELEASED. KW STILL UNEXPLAINED IS THE KILLING IN ARGENTINA SEVERAL MONTHS AGO OF MICHELININ GUTIERREZ RUIS AND 2 OTHERS, AND THE RESPONSIBILITY FOR AND FATE OF 30 URUGUAYANS "KIDNAPPED" IN BUENOS AIRES LAST WEEK WHICH THE GOA, AGAIN, HAS DENIED PARTICIPATING IN AND WHICH, AGAIN, IS ATTRIBUTED HERE TO "RIGHT WING TERRORISTS". RECENTLY BOTH ARGENTINE AND URUGUAYAN HIGH OFFICIALS HAVE MENTIONED TO U.S. OFFICIALS THEIR INCREASED ANTI-TERRORIST, ANTI-SUBVERSIVE COOPERATION AND, IN THIS CONTEXT, THE URUGUAYAN OFFICIAL MENTIONED A RESURGENCE OF TERRORIST ACTIVITIES IDENTIFIED UNDER THE NAMES PREE.

18. WE HAVE NOT RESPONDED TO PARAS 3 AND 4 OF REFTTEL PERTAINING TO MILITARY AND ECONOMIC ASSISTANCE BECAUSE THE INFORMATION IS READILY AVAILABLE IN THE DEPARTMENT. SIRACUSA

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS, POLICIES, US CONGRESSIONAL HEARINGS, POLITICAL PRISONERS  
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**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Reference:** 76 STATE 181279  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** KelleyW0  
**Review Comment:** n/a  
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**Review Date:** 23 APR 2004  
**Review Event:**  
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**Review History:** RELEASED <23 APR 2004 by CunninFX>; APPROVED <09 SEP 2004 by KelleyW0>  
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**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
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**TAGS:** SHUM, UY  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006